REMARKS

Claims 1-24 are pending in the application.

Claims 1-24 have been rejected.

Claims 1, 7, 10, 13, 16, 19, 21, and 23 have been amended.

Claims 3, 4, 5, and 18 have been canceled.

Claims 1, 2, 6-17, and 19-24 remain pending in the application.

I.   REJECTION UNDER 35 U.S.C. § 103

Claims 1-2, 5-17, 19-24 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2003/0210660 to Wiberg ("*Wiberg*") in view of U.S. Patent Application Publication No. 2004/0052236 to Hwang ("*Hwang*"). Claims 3-4 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Wiberg in view of Hwang and in further view of U.S. Patent Application Publication No. 2009/0213904 to Sun ("*Sun*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP § 2142*). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. (*MPEP § 2142*).

Claim 1 recites a method for supporting downlink JD (joint detection) in a TDD CDMA communication network system in which the method comprises the steps of:

> *judging whether CAI (code allocation information) in a downlink timeslot will change in a next TTI (transmission time interval), wherein the judging comprises at least one of:*
>> *judging that the CAI changes if at least one active UE leaves the downlink timeslot;*
>> *judging that the CAI changes if at least one UE joins the downlink timeslot;*
>> *judging that the CAI changes if the spreading code resource in the downlink timeslot is reallocated to realize optimized configuration of the resource in the downlink timeslot; and*

>   *judging that the CAI change if at least one active UE*
> *performs a cell handover;*
>   *modifying the spreading code resource according to the changed*
> *CAI;*
>   inserting changed CAI as a specific control information into a
> specified field in a traffic burst in the downlink timeslot corresponding to
> current TTI only if the CAI will change, the changed CAI comprising
> spreading code resources associated with each of a plurality of UEs that uses
> the downlink timeslot, the changed CAI comprises the CAI after the
> spreading code resource is modified; and
>   sending the traffic burst comprising the specific control information to
> each of the UEs in the downlink timeslot via a downlink channel, wherein the
> traffic burst sent to each of the plurality of UEs comprises spreading code
> resources associated with all of the UEs that use the downlink timeslot.
> [Emphasis Added].

Claim 1 has been amended to incorporate the limitations of Claims 3, 4, or 5 as shown above. Additionally, Claim 1 has been amended to also cover "judging that the CAI changes if at least one active UE performs a cell handover." This amendment is fully supported in the specification as filed, such as in paragraph [0058]. The Applicant respectfully submits that *Wiberg* and *Hwang*, taken alone or in combination, do not teach the amended features of Claim 1 as shown above.

In rejecting Claim 1, the Office Action asserts that paragraph [0036] of *Sun* teaches at least one active UE leaving the downlink timeslot, and reclaiming the spreading code resource released by the UE. (Office Action, page 7). However, this cited portion of *Sun* merely teaches that the UE releases its assigned code(s) from one cell and obtains new assigned code(s) from another cell. It does not teach or suggest judging that the CAI will change in a next transmission time interval (TTI). Further, it does not teach modifying a spreading code resource according judged CAI change. Thus, *Sun* does not teach "judging whether CAI (code allocation information) in a downlink timeslot will change in a next TTI, [and] ... modifying the spreading code resource according to the changed CAI" as explicitly recited in Claim 1. The teachings of *Wiberg* or *Hwang* do not cure the noted deficiencies of *Sun* with regard to the emphasized features of Claim 1 discussed above.

For at least these reasons, independent Claim 1 and its dependent claims are patentable. Independent Claims 7, 10, 13, 16, 19, 21, and 23 have also been modified to incorporate limitations similar to those presented above with regard to Claim 1. Therefore, independent Claims 7, 10, 13, 16, 19, 21, and 23 along with their respective dependent claims are also patentable.

Accordingly, the Applicant respectfully requests that the § 103 rejections be withdrawn.

II.   <u>CONCLUSION</u>

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.
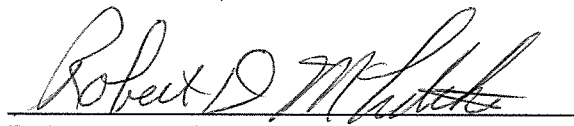
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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